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7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 ASHLY RAI,

11 Plaintiff,

12 v.

13 COSTCO WHOLESALE CORPORATION, a
14 Foreign Corporation; DOES I through X,
inclusive; and ROE CORPORATIONS I
15 through X, inclusive,

16 Defendants.

Case No. 2:24-cv-00161-JAD-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINE
DATES (THIRD REQUEST)**

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18 Pursuant to Federal Rule of Civil Procedure 6 and the Court's Local Rules of Civil Practice
19 LR IA 6-1 and LR 26-3, the parties to this action respectfully request that the Court approve this
20 Stipulation to extend the current discovery deadlines by 60 days. Counsel for the respective parties
21 communicated regarding this matter and agree that the requested extension is necessary and
22 supported by good cause. This is the parties' third request for an extension of the discovery
23 deadlines.
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I. DISCOVERY COMPLETED BY THE PARTIES:

The parties have served their initial disclosures as well as several supplements thereto. Plaintiff's Independent Medical Examination ("Rule 35 Exam") was completed on May 7, 2024. Plaintiff's deposition took place on June 26, 2024. The Rule 35 Exam report has been disclosed by the Defendant. Responses to written discovery by Plaintiff were due on June 24, 2024, and provided by Plaintiff. Responses to written discovery by Defendants were due on September 13, 2024 and have been extended until September 30, 2024 due to a 2 week extension.

II. DISCOVERY WHICH REMAINS TO BE COMPLETED:

Plaintiff intends to depose the relevant claims handling personnel of Defendant, COSTCO WHOLESALE CORPORATION ("COSTCO"), including their 30 b (6) representative all of whom reside out of state. The parties have propounded discovery and Plaintiff has answered. Defendant is in the process of responding to the written discovery. The parties will also disclose and depose experts. The experts will include several medical providers and human factors experts.

III. REASONS WHY DISCOVERY WAS NOT SATISFIED OR COMPLETED WITHIN THE TIME LIMIT SET BY THE DISCOVERY PLAN:

The parties have been working diligently throughout the discovery process. The parties are currently requesting dates to mediate the case and working toward settlement as this will save money in expert costs. As indicated above, the parties engaged in discovery efforts in terms of disclosures and written discovery. A Rule 35 Exam of the Plaintiff was conducted on May 7, 2024. The Rule 35 Exam report was disclosed by Defendants. Plaintiff's deposition took place on June 26, 2024. Plaintiff recently underwent foot surgery related to the injuries sustained in the slip and fall at COSTCO. Plaintiff continues to treat for her injuries. Plaintiff is continuing to supplement the medical records and billing. The disclosure of the updated medical records is needed for the parties to include said information in their expert reports. Defendant's responses to the written discovery are due September 30, 2024. Discovery responses are needed for the human factors expert to provide their expert opinions. The parties are also currently discussing settlement in this case prior to incurring costs for experts.

IV. GOOD CAUSE EXISTS TO GRANT THE REQUESTED EXTENSION

As stated above, the parties have been working diligently on all discovery-related items. There are outstanding written discovery responses and deposition of the parties in order for experts to be informed and complete reports. The parties anticipate this extension will be a reasonable amount of time for mediation to occur and all depositions and disclosures mentioned above to be completed.

V. SCHEDULE FOR COMPLETION OF ALL REMAINING DISCOVERY:

The parties request that the pertinent discovery deadlines set forth in the Court's Scheduling Order be continued 60 days, as follows:

The parties propose the following discovery schedule to be approved by the Court:

<u>EVENT</u>	<u>CURRENT DEADLINE</u>	<u>PROPOSED DEADLINE</u>
Discovery Cut-Off	December 05, 2024	February 3, 2025
Amending Pleadings and Adding Parties	September 05, 2024	November 4, 2024
Initial Expert Disclosures	October 04, 2024	December 3, 2024
Rebuttal Expert Disclosures	November 04, 2024	January 3, 2025
Dispositive Motions	January 03, 2025	March 4, 2025
Pre-Trial Order ¹	February 03, 2025	April 4, 2025

Despite best efforts, the parties have not been able to complete the discovery that is necessary and needed at this juncture. However, the parties believe that, should the Court approve this Stipulation for an extension of discovery deadlines, the additional time requested herein will be sufficient to allow the parties to complete discovery.

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¹ If a dispositive motion is filed, the deadline for filing the joint pretrial order will be suspended until 30-days after the decision on the dispositive motions or further Court order. See LR 26-1(b)(5).

1 IT IS RESPECTFULLY SUBMITTED.

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3 Dated this 13th day of September 2024

Dated this 13th day of September 2024.

4 RANALLI ZANIEL FOWLER &
5 MORAN, LLC

PAUL PADDA LAW, PLLC.

6 /s/ Maegun Mooso

/s/ Paul S. Padda

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15 IT IS SO ORDERED

16 
17 UNITED STATES MAGISTRATE JUDGE

Date: September 13, 2024

18 Prepared and submitted by:

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